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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,816	07/07/2004	Hisaji Oyake	120321	8281
25944	7590	08/16/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/500,816

Applicant(s)

OYAKE ET AL.

Examiner

Anthony H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Takahata et al. (US 6,562,550) in view of Osamu (JP 4-263140).

Takahata et al. teaches a method of manufacturing a stamper having the steps of manufacturing a photoresist master by applying or forming a photoresist layer 2 on a substrate 1, exposing or irradiating light onto the photoresist layer to form a latent image and developing the latent image to form an uneven pattern 21, forming a thin metal film 31 on top of the photoresist layer bearing surface (Takahata et al., col.5 lines 38-46), forming a stamper 3 by forming a metal film 32 on top of the thin metal film and the preliminary treatment which includes the steps of providing metal catalyst which is washed with pure water (Takahata et al., Figs.1E and 1F and col.5 lines 58-64).

Takahata et al. does not teach the step of forming a light absorption layer on the glass substrate. Osamu teaches the step of forming a light absorption layer 6 on a glass substrate 1 as shown in Figs. 1-3 of Osamu. In view of the teaching of Osamu, it would have been obvious to one of ordinary skill in the art to modify the process of Takahata

et al. by providing the step of forming the light absorption layer as taught by Osamu for ensuring optimal desired shape of the grooves which are formed on a stamper.

### ***Response to Arguments***

Applicants' arguments filed on May 31, 2006 have been fully considered but they are not persuasive of any error in the above rejection.

Applicant argues that the information medium as recited in claim 6 should be rejoined and examined with the claim 1 since the process of claim 1 is the only process to manufacture the information medium as recited in claim 6.

The argument is not persuasive. As explained in the restriction requirement, Group I (claims 1-5) and Group II (claims 6-9) are unrelated since the invention of Group II which includes a negative pattern for storing information has different modes of operation, different functions, or different effects from the structure of the stamper of Group II, and that applicant fails to show that the inventions are not patentably distinct. Additionally, the information medium as recited can be made by many methods such as injection molding or printing.

Applicant argues that Takahata et al. and Osamu does not teach the method of manufacturing a stamper as recited. Specifically, applicant argues that Takahata et al. does not teach the steps after the developing step is complete for providing a metal catalyst on a surface of the un even pattern, activating the metal catalyst and then

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washing the surface with a liquid, and that Osamu cannot be applied to the steps as recited in the claims.

However, as explained above, Takahata et al. teaches clearly the steps of manufacturing a photoresist master by forming a photoresist layer on top of a substrate, irradiating light onto the photoresist layer to form a latent image and developing the latent image to form an uneven pattern, forming a thin metal film on top of the photoresist layer bearing surface, forming a stamper after development and post-baking (Takahata et al., col.5 lines 58-64) by forming a metal film 32 of Nickle which is a metal catalyst on top of the thin metal film. The preliminary treatment includes the steps of providing metal catalyst which is washed with pure water as recited in claims 2 and 4 (Takahata et al., col.6 lines 27-28). Osamu teaches the step of forming a light absorption layer on a substrate. Therefore, the combination of Takahata et al. and Osamu renders the steps as recited in the claims.

### ***Conclusion***

The patent to Kido et al. is cited to show other method having obvious similarities to the claimed method.

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED

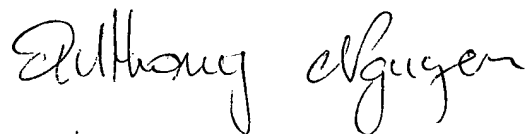
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STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169.

The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen, can be reached on (571) 272-2258.

The fax phone number for this Group is (571) 273-8300.

A handwritten signature in black ink that reads "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen  
8/11/06  
Patent Examiner  
Technology Center 2800